

Guy, Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Storey, Terrell, Wortham—20.

NAYS—Senators Blassingame, Grace, Henry J. R., Henry F. M., McLeary—5.

NOT VOTING—Senators Brady, Burton, Douglass, Thompson—4.

Senator Grace, Chairman of Committee on Enrolled Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled Senate Bill No. 201, entitled, "An Act to authorize the corporation of the city of Houston to improve and protect the navigation of Buffalo Bayou;" the same has been properly signed and presented to the Governor this day at 12:45 o'clock P. M. for his approval.

GRACE, *Chairman.*

Senator Brady in the chair.

Senator Piner called up Senator Blassingame's motion to reconsider the vote adopting the report of Finance Committee on House Bill No. 68.

Carried.

President in the chair.

Senator Grace moved a call of the Senate, which was seconded.

Senator Edwards moved that the call be suspended.

Carried.

Senator Martin moved that the Senate stand adjourned until to-morrow morning at 9 o'clock.

Lost.

The report of the Committee on Finance, recommending that House Bill No. 68 do not pass, was then lost by the following vote:

YEAS—Senators Carroll, Francis, Hobby, Storey—4.

NAYS—Senators Ball, Blassingame, Brady, Brown, Burton, Douglass, Edwards, Ford, Guy, Henry J. R., Ledbetter, Martin, McCormick, McCulloch, Motley, Piner, Ripetoe, Stephens, Thompson, Wortham—20.

NOT VOTING—Senators Crain, Henry F. M., Moore—3.

Senator Grace, who would have voted, "nay," paired off with Senator McLeary, who would have voted, "yea."

Senator Douglass asked leave to have his vote recorded, "yea," on House Bill No. 35.

Granted.

On motion of Senator Ford, the Senate adjourned until 9 o'clock to-morrow morning.

### SEVENTY-THIRD DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, July 13, 1876. }

Senate met pursuant to adjournment. President in the chair. Roll called. Quorum present. Prayer by the Rev. Mr. McKinney. Journal of yesterday adopted.

House Bill No. 59, "An Act to amend the fifth section of an act concerning rents and advances," approved April 4, 1874, was taken up by the President, and referred to Judiciary Committee No. 1.

House Bill No. 68, "An Act to provide for refunding money paid into

the State Treasury in certain cases," being the unfinished business, was taken up.

Senator Grace moved a call of the Senate.

Call sustained.

ABSENT—Senators Brady, Terrell, Douglass, Ripetoe.

The pending bill went to the table during the call.

House Bill No. 108, "An Act to enable the city of Galveston to construct a sea-wall and breakwater, to levy a tax and issue bonds therefor, and to grant State aid to the same, by donation of lands," being a special order, was taken up, and read first time.

On motion of Senator Henry of Cass, fifty copies of the bill were ordered printed, and made the special order for Tuesday next, immediately after roll call, and from day to day, until disposed of.

On motion of Senator Crain, the rules were suspended, and Senate Bill No. 330, "An Act to provide District and County Surveyors with offices in the various districts and counties of the State," was taken up.

On motion of Senator McLeary, Senator Terrell was excused, in consequence of sickness in his family.

The Senate being full, the call was suspended, and the consideration of House Bill No. 68, "An Act to refund money paid into the State Treasury," etc., was resumed.

Senator Storey moved to strike out the preamble to the bill.

Lost.

Senator Edwards offered the following amendment as a substitute for the first section of the bill:

"SEC. 1. *Be it enacted by the Legislature of the State of Texas*, That any person or persons who may have heretofore purchased any land of the State, supposed to have been set apart for the benefit of the school fund, and who cannot obtain a patent or title to the same, because the land designated by said purchaser, and for which the settler has paid the money into the Treasury, was not a part of the school fund of the State, shall have the right to recover the money so paid, in the following manner:

"Said party, or his heirs or assigns, shall present to the Comptroller of Public Accounts the certificate given him by the County Surveyor in pursuance of the requirements of Section 7 of 'An Act to provide for the sale of the alternate sections of lands surveyed by railroad companies and set apart for the benefit of the common school fund,' approved April 24, 1874, and a certificate from the Commissioner of the General Land Office, stating that the land designated in said Surveyor's certificate is not, and was not, at the time of the purchase, a part of the said school fund; and, also, the receipt of the Treasurer, showing the amount paid on said lands, and satisfactory evidence of the identity of the party in whose favor the claim is made. Whereupon, the Comptroller shall issue his warrant upon the State Treasury for the amount of money paid in by the purchaser."

Adopted.

The bill passed to the third reading.

Senator Piner moved to suspend the rules and place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Edwards, Ford, Guy, Henry J. R., Hobby, Ledbetter, McCormick, McCul-

loch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Thompson—22.

NAYS—Senators Carroll, McLeary—2.

NOT VOTING—Senators Douglass, Francis, Grace, Henry F. M., Martin, Wortham—6.

Bill read third time and lost, by the following vote (it requiring a two-thirds vote of all the Senators):

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Ford, Guy, Henry J. R., Ledbetter, McCormick, Moore, Motley, Piner, Ripetoe, Stephens, Thompson, Wortham—20.

NAYS—Senators Carroll, Henry F. M., Hobby, McLeary, McCulloch, Smith, Storey—7.

NOT VOTING—Senators Francis, Grace, Martin—3.

On motion of Senator Guy, the vote just taken was reconsidered.

Senator Guy moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senators Francis and Ford.

On motion of Senator Piner, the call of the Senate was suspended.

House Bill No. 68, pending on the call, was then passed, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Ford, Grace, Guy, Henry J. R., Ledbetter, McCormick, Moore, Motley, Piner, Ripetoe, Stephens, Thompson, Wortham—21.

NAYS—Senators Carroll, Henry F. M., Hobby, McLeary, McCulloch, Smith, Storey—7.

NOT VOTING—Senators Francis, Martin—2.

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

*Hon. B. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared Senate Bill No. 284, "An Act to authorize the Clerk of the Court of Appeals to appoint a deputy," and find the same correctly engrossed.

STEPHENS, *Chairman.*

On motion of Senator Crain, Senate Bill No. 330, "An Act to provide District and County Surveyors with offices in the various districts and counties of the State," was taken up and read second time.

Senator Hobby offered the following amendment:

"SEC. —. That the fact of the Surveyors of some of the counties being without offices, except as provided through their own means, creates an emergency which requires that this act shall take effect from and after its passage, and it is therefore enacted that this act take effect from and after its passage."

Adopted.

Senator McLeary moved to amend by inserting, "County Attorney," after "Surveyors," where it occurs in the bill.

Lost by the following vote:

YEAS—Senators Ball, Brown, Carroll, Douglass, Edwards, Ford, Ledbetter, McLeary, Motley, Ripetoe, Smith, Stephens—12.

NAYS—Senators Brady, Burton, Crain, Grace, Guy, Henry F. M., Hobby, McCormick, McCulloch, Moore, Piner, Storey, Thompson, Wortham—14.

NOT VOTING—Senators Blassingame, Francis, Henry J. R., Martin—4.  
Bill ordered engrossed.

On motion of Senator Burton, the rules were suspended to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Brady, Brown, Burton, Carroll, Crain, Douglass, Edwards, Grace, Guy, Henry F. M., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Storey, Thompson, Wortham—24.

NAYS—None.

NOT VOTING—Senators Blassingame, Francis, Ford, Henry J. R., Martin, Stephens—6.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Brown, Burton, Carroll, Crain, Edwards, Ford, Grace, Guy, Henry F. M., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Thompson—21.

NAYS—Senators Smith, Storey, Wortham—3.

NOT VOTING—Senators Blassingame, Brady, Douglass, Francis, Henry J. R., Martin—6.

On motion of Senator Hobby, the rules were suspended, and Senate Bill No. 303, "An Act for the relief of railroads and other internal improvement companies," was taken up, fifty copies ordered printed, and made special order for Monday next, at 4 o'clock p. m., and from day to day until disposed of.

On motion of Senator Wortham, the rules were suspended, and Senate Bill No. 323, "An Act to transfer certain suits pending in the courts of the counties of this State out of which new counties have been created, to the new counties so created," was taken up, read second time and ordered engrossed.

On motion of Senator Wortham, the rules were still further suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain, Edwards, Henry F. M., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Thompson, Wortham—21.

NAYS—None.

NOT VOTING—Senators Burton, Douglass, Francis, Ford, Grace, Guy, Henry J. R., Martin, Storey—9.

The bill was read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain, Edwards, Grace, Guy, Henry F. M., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Thompson, Wortham—24.

NAYS—None.

NOT VOTING—Senators Burton, Douglass, Francis, Ford, Henry J. R., Martin—6.

On motion of Senator McLeary, the rules were suspended, and Senate Bill No. 244, "An Act to amend Section 1 of 'An Act for the protection of the wool growing interests of the State,'" approved May 2, 1874, was taken up, read third time and passed.

On motion of Senator Ledbetter, the rules were suspended, and Senate Bill No. 85, "An Act to amend Section 138 of an act entitled, 'An Act to regulate proceedings in the District Courts,'" approved May 13, 1846, was taken up, read third time and passed.



On motion of Senator Storey, the rules were suspended, and Senate Bill No. 251, "An Act concerning the record of judgments and other liens upon real estate," was taken up, read third time and passed.

On motion of Senator Blassingame, the rule was suspended, and House Bill No. 207, "An Act to provide for the change of venue in certain cases," was taken up and read first time.

On motion of Senator Blassingame, the rule was further suspended, to place the bill on its second reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Carroll, Douglass, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Thompson—21.

NAYS—None.

NOT VOTING—Senators Brady, Burton, Crain, Edwards, Francis, Ford, Martin, Moore, Wortham—9.

The bill was then read second time, and passed to a third reading.

On motion of Senator Blassingame, the rule was further suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain, Douglass, Edwards, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, McCulloch, Motley, Piner, Ripetoe, Storey—20.

NAYS—None.

NOT VOTING—Senators Burton, Francis, Ford, Martin, McCormick, Moore, Smith, Stephens, Thompson, Wortham—10.

The bill was then read third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Carroll, Crain, Douglass, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Motley, Piner, Ripetoe, Smith, Storey, Thompson—23.

NAYS—None.

NOT VOTING—Senators Brown, Edwards, Francis, Martin, Moore, Stephens, Wortham—7.

A message was received from His Excellency, the Governor.

Senator Crain, from the Committee on Engrossed Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed bills have carefully read, examined and compared Senate Bill No. 240, "An Act to regulate attachments, and to fix the venue in certain attachment cases," and find the same correctly engrossed.

CRAIN, for Committee.

Senator Smith in the chair.

On motion of Senator Grace, the rule was suspended, and Senate Bill No. 262, "An Act to reserve from location, in the event of forfeiture, the public domain now reserved for the benefit of railroads or railroad companies," was taken up and read second time, and, on motion of Senator Brady, fifty copies of the bill were ordered printed, and the same made the special order for Tuesday next, at 12 m., and from day to day until disposed of.

On motion of Senator Storey, the rule was suspended, and Senate Bill No. 240, "An Act to regulate attachments, and to fix the venue in certain attachment cases," was taken up, read third time and passed.

Substitute for Senate Bill No. 144, "An Act to provide for the incor-

poration of associations that may be organized for the purpose of constructing railways, maintaining and operating the same, for prescribing and defining the duties and limiting the powers of such corporations, when organized," being the special order, was taken up and read second time.

On motion of Senator Crain, the Senate went into Committee of the Whole.

Senator Crain in the chair.

President in the chair.

Senator Crain, Chairman of the Committee of the Whole Senate, reported that the committee had had under consideration Senate Bill No. 144, have amended the same, and ask that the amendments be adopted and the committee be discharged from further consideration of the bill.

A message was received from the House, announcing the passage by that body of the following bills:

House Bill No. 227—"An Act to create the Twenty-seventh Judicial District of the State of Texas."

Senate Bill No. 297—"An Act prescribing the times of holding the Courts in the Twenty-first Judicial District."

Senate Bill No. 333—"An Act to provide for holding a term of the District Court of Wharton county in August, 1876, for the trial of criminal causes."

House Joint Resolution No. 387—"Memorializing the Postmaster-General to establish a tri-weekly mail between Fort Concho and El Paso."

House Bill No. 64½—"An Act to organize Commissioners' Courts and to define their jurisdiction and duties, and provide for vacancies therein," with the veto message of His Excellency, the Governor, which had been sent to the House on the 12th inst., and said bill was accompanied with the statement that the House had reconsidered the vote passing said bill, amended it so as to obviate the objections of the Governor, and passed the bill by a two-thirds vote.

On motion of Senator Grace, House Bill No. 64½, "An Act to organize Commissioners' Courts," etc., with the veto message of His Excellency, the Governor, on the same, was taken up, and on motion of Senator Smith, the bill and message were referred to Judiciary Committee No. 1.

On motion of Senator Guy, Senator Douglass was excused for to-morrow.

Senator Grace was, by the President, added to Committee on Public Grounds and Buildings.

On motion of Senator Grace, the Governor's message was taken up and read, and its further consideration postponed until to-morrow, immediately after the morning call.

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, TEXAS, July 13, 1876. }

*To the Hon. Senate of the State of Texas:*

GENTLEMEN: I respectfully ask your advice and consent to the following appointments:

Marshall S. Pike, Notary Public for Kauffman county.

Robt. C. Dansby, " " " "

Thos. J. Ayers,	Notary Public for Kauffman county.			
P. M. Morehouse,	"	"	"	"
J. F. Smith,	"	"	"	"
F. A. Waters,	"	"	"	"
R. A. Terrell,	"	"	"	"
D. H. Mallory,	"	"	"	"
L. H. Bryant,	"	"	"	"
V. W. Grubbs,	"	"	"	"
J. N. Dougherty,	"	"	"	"
G. A. Buchanan,	"	"	"	"
H. B. McCorkle,	"	"	"	"
H. M. Barfield,	Notary Public for Van Zandt county.			
C. W. Rains,	"	"	"	"
J. G. Kearby,	"	"	"	"
S. W. Murphy,	"	"	"	"
T. J. Foster,	"	"	"	"
Crow Melton,	"	"	"	"
J. H. Wright,	"	"	"	"
W. L. Haynes,	"	"	"	"
G. L. Ellis,	"	"	"	"
J. D. Parsons,	Notary Public for Rockwall county.			
R. Jordan,	"	"	"	"
W. D. Barringer,	"	"	"	"
G. H. White,	"	"	"	"
E. C. Heath,	"	"	"	"
G. Wells,	"	"	"	"
J. B. Rounseville,	Notary Public for Hunt county.			
T. G. Smith,	"	"	"	"
Wm. McBride,	"	"	"	"
W. R. Lane,	"	"	"	"
Samuel Davis,	"	"	"	"
S. R. Etter,	"	"	"	"
Alonzo Cushman,	"	"	"	"
S. S. Weaver,	"	"	"	"
W. C. Walker,	"	"	"	"
B. R. Wilson,	"	"	"	"
J. H. Jarnigan,	"	"	"	"
W. A. Mattox,	"	"	"	"
D. W. Yeager,	"	"	"	"
J. R. McMahon,	Notary Public for Rains county.			
W. M. Giles,	Notary Public for Wood county.			
T. E. Conger,	"	"	"	"
A. L. Adams,	"	"	"	"
John Newman,	"	"	"	"
James A. Stinson,	"	"	"	"
James Ray,	"	"	"	"
W. J. Richards,	"	"	"	"
Jonathan Night,	"	"	"	"
John Moore,	"	"	"	"
John A. Sanford,	"	"	"	"
R. C. Huie,	"	"	"	"
A. D. Menshaw, Sr.,	"	"	"	"
D. L. Ray,	"	"	"	"

R. A. Giraud,	Notary Public for Harris county.
B. F. McDonough,	" " " "
A. W. Spencer,	" " " "
Thos. H. Conklin,	" " " "
J. R. Harris,	" " " "
Emille Simmler,	" " " "
Jesse G. Dupree,	" " " "
A. J. Shepherd,	" " " "
Garrett Hardcastle,	" " " "
Samuel S. Ashe,	" " " "
A. P. Tompkins,	" " " "
A. R. Masterson,	" " " "
David C. Campbell,	" " " "
F. M. Poland,	" " " "
J. C. Kidd,	" " " "
A. L. Steele,	" " " "
James T. Ferguson,	" " " "
E. C. Stockton,	" " " "
E. P. Turner,	" " " "
D. U. Barziza,	" " " "
William Murray,	Notary Public for Panola county.
Charles Doss,	Notary Public for Fannin county.
John P. Walker,	Notary Public for Cooke county.
John N. Scott,	Notary Public for Montgomery county.
Wm. M. O'Leary,	Notary Public for Cameron county.
Jesse Dennett,	" " " "
J. T. Summerville,	Notary Public for Falls county.
Ed. T. Rucker,	Notary Public for Bell county.
Gilbert Leroy,	Notary Public for Upshur county.
J. S. Wilson,	Notary Public for Collin county.

Very respectfully,

RICHARD COKE.

Senator Brown, from the special committee, submitted the following report and resolution :

*Hon. R. B. Hubbard, President of the Senate :*

Your special committee, appointed under a resolution of the Senate "to inquire and report whether any, and if any, what employes of the State, may be dispensed with during the remainder of the session," have had the same under consideration, and beg to report that in their opinion the Assistant Sergeant-at-Arms, Postmaster and Messenger, and two of the four committee clerks, may be dispensed with. Your committee, therefore, recommend the adoption of the accompanying resolution, proposing such action as they deem appropriate on the part of the Senate.

Respectfully submitted,

W. M. BROWN,	} Committee.
PEYTON F. EDWARDS,	
F. E. PINER.	

*Resolved,* That the offices of Assistant Sergeant-at-Arms, Postmaster and the four committee clerkships are hereby vacated; that the Senate do now proceed to elect two general clerks, whose duties shall include assistance of the Engrossing and Enrolling Clerks, as occasion may require; that the Sergeant-at-Arms shall personally perform all the duties pertaining to



his office, and that the duties of Postmaster shall be performed by one or more of the Pages, under direction of the President of the Senate.

The resolution was taken up and read, with the report of the committee.

Senator McLeary offered to amend by striking out Postmaster from the resolution.

Carried, by the following vote :

YEAS—Senators Blassingame, Carroll, Francis, Ford, Guy, Henry J. R., Ledbetter, McLeary, McCormick, McCulloch, Motley, Ripetoe, Stephens, Storey, Wortham—15.

NAYS—Senators Ball, Brown, Douglass, Edwards, Grace, Henry F. M., Hobby, Martin, Moore, Piner, Smith—11.

NOT VOTING—Senators Brady, Burton, Crain, Thompson—4.

Senator Martin moved to postpone the further consideration of this matter until to-morrow at 10 o'clock.

Lost.

Senator Storey moved to strike out Assistant Sergeant-at-Arms.

Senator Piner moved to amend by striking out all the officers named in the resolution.

Lost.

Senator Storey's resolution was then put and lost.

Senator Brady moved to lay the resolution on the table.

Lost.

On motion of Senator Henry of Cass, the question was divided.

The first proposition to dispense with the office of Assistant Sergeant-at-Arms, and the four committee clerks, was carried by the following vote :

YEAS—Senators Ball, Blassingame, Brown, Carroll, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCormick, Moore, Motley, Piner, Smith, Stephens, Storey, Thompson, Wortham—23.

NAYS—Senators Brady, Burton, Douglass, Ledbetter, McCulloch, Ripetoe—6.

NOT VOTING—Senator Crain—1.

The second division of the question, "to elect two general Committee Clerks," was carried by the following vote :

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Thompson, Wortham—27.

NAYS—Senators Douglass, Henry F. M., Martin—3.

The last division of the question, that the Sergeant-at-Arms personally perform the duties of his office, etc., was adopted.

Senator Hobby moved to reconsider the vote just taken.

On motion of Senator Brown, the motion was laid on the table.

Senator Piner nominated W. H. Hays, of Galveston county.

Senator Crain nominated Nat. Q. Henderson, of Washington City.

Senator Grace nominated J. H. Reed, of Travis county.

Senators Blassingame, McLeary and Francis were appointed tellers.

On the first ballot, W. H. Hays received 24 votes.

Nat. Q. Henderson received 22 votes.

J. H. Reed received 10 votes.

J. B. Henderson received 2 votes.

The President announced that W. H. Hays and Nat. Q. Henderson, having received a majority of all the votes cast, were duly elected general Committee Clerks of this body, and to do such duties as they may be required to perform by the Senate.

Senator McLeary offered the following resolution:

*Resolved*, That Judiciary Committee No. 1 be requested to report whether or not the Constitution requires the per diem of the officers and employes of the Senate to be reduced after the ninetieth day of the session.

Adopted.

On motion of Senator McLeary, the rule was suspended, and House Joint Resolution No. 387, "Memorializing the Postmaster-General to establish a tri-weekly mail between Fort Concho and El Paso," was taken up, read first time and referred to Committee on Federal Relations.

Senator Edwards, from Committee on Engrossed Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills have carefully read, examined and compared Senate Bill No. 137, "An Act to fix and regulate the fees of all the State officers of Texas and the several counties thereof," and find the same correctly engrossed. EDWARDS, *for Committee*.

The consideration of Senate Bill No. 144 was resumed, the pending question being the report of the Chairman of the Committee of the Whole, recommending the adoption of the following amendments, viz:

In Section 1, line 7, strike out "five," and insert, "ten."

In Section 3, line 18, strike out "five," and insert, "ten."

In Section 3, line 23, strike out "five," and insert "ten."

The amendments of the committee were lost.

On motion of Senator Blassingame, the Senate adjourned until 4 o'clock this afternoon.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment. President in the chair. Roll called. Quorum present.

A message was received from the House, announcing the passage, by that body, of House Bill No. 377—"An Act to amend Section 27 of 'An Act to authorize the disposition and sale of the University lands,' approved April 8, 1874, and to validate all sales of 80 acres to any one person."

Also, House Bill No. 239—"An Act to incorporate the city of Galveston, and to grant a new charter."

Also, House substitute for Senate Bill No. 84, "An Act to regulate the laying out, opening and classifying, and working of public roads in the State of Texas, and fixing penalties for a violation of certain sections therein named."

On motion of Senator Thompson, fifty copies of House substitute for Senate Bill No. 94, "The road bill," were ordered to be printed.

On motion of Senator McCormick, House Bill No. 239, "The Galveston charter," was referred to the Committee on State Affairs.

The unfinished business, being substitute for Senate Bill No. 144, "An Act to provide for the incorporation of associations that may be organized

for the purpose of constructing railways, maintaining and operating the same, for prescribing and defining the duties and limiting the powers of such corporations, when so organized," was taken up.

Senator Edwards in the chair.

The pending amendment was the following, offered by Senator Thompson:

Strike out all of Section 5, line 3, after the word, "filing."

Senator Thompson withdrew his amendment.

Senator Ball offered the following:

Add to Section 5 the following: "*Provided, further, that any railroad company, hereafter chartered under this act, shall make an actual survey of its route or line for a distance of 50 miles in its projected route, and shall designate the depot grounds along said first 50 miles before the road bed is begun, and no railroad company shall change its route after being designated as aforesaid. And all railroad companies chartered as aforesaid, shall, on the completion of the first 50 miles, make a survey of the next 50 miles; and of each subsequent 50 miles as the preceding 50 miles shall be completed; and every subsequent 50 miles shall be controlled by the provisions applicable to the first 50 miles of the road.*"

The President in the chair.

The President, after publicly reading its caption, signed Senate Bill No. 94, "An Act to amend an act entitled, 'An Act to provide for the supplying of lost records in the several counties in this State,'" approved April 14, 1874.

The amendment of Senator Ball was adopted by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Francis, Guy, Henry J. R., Ledbetter, McCulloch, Piner, Smith, Stephens, Storey, Thompson—15.

NAYS—Senators Brady, Crain, Grace, Henry F. M., Hobby, Martin, McCormick, Moore, Motley, Ripetoe, Wortham—11.

NOT VOTING—Senators Douglass, Ford, McLeary—3.

Senator Edwards was paired off with Senator McLeary, and did not vote, but would have voted "nay."

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared Senate Bill No. 330, "An Act to provide District and County Surveyors with offices in the various districts and counties of the State," and find the same correctly engrossed. STEPHENS, *Chairman*.

Senator Grace, Chairman of Committee on Enrolled Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled Senate Bill No. 94, entitled: "An Act to amend an act entitled, 'An Act to provide for the supplying of lost records in the several counties of this State,' approved April 14, 1874." The same has been properly signed and presented to the Governor this day, at 5:20 o'clock p. m., for his approval.

GRACE, *Chairman*.

A message was received from the House, announcing the passage by

that body of House Bill No. 285: "An Act to amend Article 3, Section 3; Article 5, Section 5; Article 7, Section 7; Article 14, Section 14; Article 20, Section 20; Article 23, Section 23; Article 24, Section 24; Article 31, Section 31; Article 32, Section 32; Article 33, Section 33; Article 34, Section 34; Article 47, Section 47, of an act to consolidate in one act and annul the several acts incorporating the city of Houston, in Harris county," passed January 23, 1874.

Senator Storey offered the following amendment to the pending Senate Bill, No. 144:

In Section 5, line 22, strike out all after the word, "benefits," down to the end of line 29, and insert: "*And provided, further,* that nothing in this act shall be construed so as to allow any railway company, chartered under this act or under a special act of the Legislature, to alter or change any part of its charter requiring it to build its road through, and to maintain passenger and freight depots in or near any town or city in this State, and within the time named in their charters."

Pending on adjournment.

On motion of Senator Ford, the Senate adjourned until to-morrow morning at 9 o'clock.

## SEVENTY-FOURTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, July 14, 1876. }

Senate met pursuant to adjournment. President in the chair. Roll called. Quorum present. Prayer by the Rev. Mr. Collins.

Journal of yesterday adopted.

On motion of Senator Ball, Senator Carroll was indefinitely excused, in consequence of sickness in his family.

The President, after reading their captions, signed Senate Bill No. 297, "An Act prescribing the times of holding the District Courts in the Twenty-first Judicial District," and Senate Bill No. 333, "An Act to provide for holding a term of the District Court of Wharton county in August, 1876, for the trial of criminal causes."

Senator Hobby, Chairman of Judiciary Committee No. 1, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred House Bill No. 196, "An Act to provide for the publication of certain decisions of the Court of Appeals," have instructed me to report the bill back, and recommend its passage.

HOBBY, *Chairman.*

Senator F. M. Henry, from the Committee on Internal Improvements, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Internal Improvements, to whom was referred Senate Bill No. 340, "An Act to prescribe the mode and manner of accepting, by said railroad companies, of the provisions and conditions imposed by the Constitution of the State of Texas," have had the same under consideration, and report it back to the Senate, and recommend that said bill do pass.

F. M. HENRY, *for Committee.*